

SEP 27 2018

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	CRIMINAL NO. H-17-007SS
	§	
vs.	§	
	§	
MARC ANTHONY HILL,	§	JUDGE EWING WERLEIN, Jr.
NELSON ALEXANDER POLK,	§	
JOHN EDWARD SCOTT, and	§	
BENNIE PHILLIPS, Jr.,	§	
Defendants.	§	

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment, Brink's Inc., operating locations throughout the United States, is engaged in the business of the secure transport of assets, including currency, throughout the United States which activities are in, and affecting interstate commerce.

At all times material to this Indictment, Loomis Armored US, operating locations throughout the United States, is engaged in the business of the secure transport of assets, including currency, throughout the United States which activities are in, and affecting interstate commerce.

COUNT ONE

Title 18, United States Code, §§ 1951(a) and 2-
Aiding and Abetting Interference with Commerce by Robbery

On or about August 29, 2016, in the Houston Division of the
Southern District of Texas,

MARC ANTHONY HILL,
and
NELSON ALEXANDER POLK,

defendants herein, and RB, now deceased, aiding and abetting
each other and others known and unknown to the Grand Jury, did
knowingly and intentionally obstruct, delay, and affect
interstate commerce and the movement of articles and commodities
in commerce by means of robbery, as the terms "commerce" and
"robbery" are defined in Title 18, United States Code, §§
1951(b)(1) and (b)(3), in that the defendants did unlawfully
take and obtain United States currency which was the property of
Brink's, Inc. in the possession and custody of an employee of
Brink's Inc., by means of actual and threatened force, violence,
and fear of injury to those in lawful possession of those items.

In violation of Title 18, United States Code, §§ 1951(a)
and 2.

COUNT TWO

Title 18, United States Code, §§ 924(c)(1)(A)(iii),
924(j)(1), and 2: - Aiding and Abetting Use of a Firearm During
and in Relation to a Crime of Violence,
Causing the Death of a Person

On or about August 29, 2016, in the Houston Division of the
Southern District of Texas,

MARC ANTHONY HILL,
and
NELSON ALEXANDER POLK,

defendants herein, and RB, now deceased, aiding and abetting
each other and others, known and unknown to the Grand Jury, did
knowingly carry, use and discharge a firearm, namely a rifle,
during and in relationship to a crime of violence for which they
may be prosecuted in a court of the United States, that being
Interference with Commerce by Robbery, and cause the death of a
person, to wit: David Guzman, through the use of that firearm.

In violation of Title 18, United States Code, §§
924(c)(1)(A)(iii), 924(j)(1), and 2.

COUNT THREE

Title 18, United States Code, § 1951(a) -
Attempt to Interfere with Commerce by Robbery

On or about December 7, 2016, in the Houston Division of
the Southern District of Texas,

MARC ANTHONY HILL,
NELSON ALEXANDER POLK,
JOHN EDWARD SCOTT, and
BENNIE PHILLIPS, Jr.,

defendants herein, and RB, now deceased, as well as others known
and unknown to the Grand Jury, did knowingly and intentionally
attempt to obstruct, delay, and affect interstate commerce and
the movement of articles and commodities in commerce by means of
robbery, as the terms "commerce" and "robbery" are defined in
Title 18, United States Code, §§ 1951(b)(1) and (b)(3), in that
the defendants did unlawfully attempt to take and obtain United
States currency which was the property of Loomis Armored US in
the possession and custody of an employee of Loomis Armored US,
by means of actual and threatened force, violence, and fear of
injury to those in lawful possession of those items.

In violation of Title 18, United States Code, § 1951(a).

COUNT FOUR

Title 18, United States Code, §§ 924(c)(1)(A)(iii),
and 2: - Aiding and Abetting Use and Discharge of a Firearm
During and in Relation to a Crime of Violence

On or about December 7, 2016, in the Houston Division of
the Southern District of Texas,

MARC ANTHONY HILL,
NELSON ALEXANDER POLK,
JOHN EDWARD SCOTT, and
BENNIE PHILLIPS, Jr.,

defendants herein, and RB, now deceased, aiding and abetting
each other, and others known and unknown to the Grand Jury, did
knowingly carry, use, and discharge a firearm, namely, a rifle,
during and in relationship to a crime of violence for which they
may be prosecuted in a court of the United States, that being
Attempt to Interfere with Commerce by Robbery.

In violation of Title 18, United States Code, §§
924(c)(1)(A)(iii) and 2.

Notice of Criminal Forfeiture

Pursuant to Title 18, United States Code, § 924(d)(1), and
Title 28, United States Code, § 2461, the United States of
America gives notice to the defendants,

MARC ANTHONY HILL,
NELSON ALEXANDER POLK,
JOHN EDWARD SCOTT, and

BENNIE PHILLIPS, Jr.,

that, in the event of conviction of the offenses charged in Counts Two or Four, the United States of America shall forfeit all firearms and ammunition involved in or used in a violation of Title 18, United States Code, §§ 924(c)(1)(A)(iii) and 2, including, but not limited to:

- 1.) a Jimenez Arms Model J.A. .380 / Serial # 234415;
- 2.) a Glock Model 19 / Serial # GMS020;
- 3.) a Springfield Armory XD Pistol / Serial # XD447843;
- 4.) a Smith and Wesson Model SW40VE / Serial # DYJ2765;
- 5.) an Anderson Mfg. Model AM-15 Semiautomatic Rifle / Serial # 0914025074.

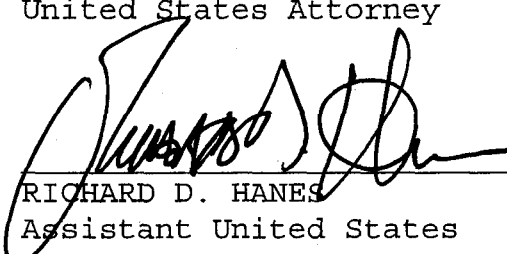
A TRUE BILL.

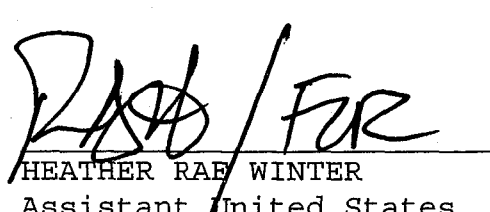
Original Signature on File

FOREMAN OF THE GRAND JURY

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United States Attorney

BY:


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